

EXHIBIT 157

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1 IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA
2 THE STATE OF FLORIDA

VOLUME 7

3 ex rel.

PAGES 879 - 1040

4 VEN-A-CARE OF THE FLORIDA KEYS, INC.,
a Florida Corporation, by and through
5 its principal officers and directors,
ZACHARY T. BENTLEY and T. MARK JONES,
6 Plaintiffs,

CIVIL ACTION NO.98-3032A

7 vs.

BOEHRINGER INGELHEIM CORPORATION;
8 DEY, INC.; DEY, L.P.; EMD PHARMACEUTICALS
INC.; LIPHA, S.A.; MERCK, KGaA; MERCK-LIPHA,
9 S.A.; SCHERING CORPORATION; SCHERING-PLOUGH
CORPORATION; ROXANE LABORATORIES, INC.;
10 and WARRICK PHARMACEUTICALS CORPORATION,
Defendants.

11 /

12 VIDEOTAPED DEPOSITION OF: JERRY WELLS

13 TAKEN AT THE INSTANCE OF: The Defendants

14 DATE: August 15, 2006

15 TIME: Commenced at 9:00 a.m.

16 Concluded at 1:14 p.m.

17 LOCATION: Broad and Cassel

18 215 South Monroe Street, #400

19 Tallahassee, Florida

20 REPORTED BY: ANITA M. PEKEROL, CRR, CP, CM

21 Certified Realtime Reporter

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1 APPEARANCES:

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3 CORPORATION; BOEHRINGER INGELHEIM INTERNATIONAL;
4 BOEHRINGER INGELHEIM PHARMACEUTICALS, INC.; AND
5 ROXANE LABORATORIES:

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BARBARA KIRKLAND GRAVES

Accurate Stenotype Reporters

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11 EXHIBITS

12	NUMBER	DESCRIPTION	PAGE
13	392	Document stamped Highly Confidential	
14		bearing Bates stamped pages OAG FLA	
15		017802 through OAG FLA 017811	907
16	393	Transmit Confirmation Report and Letter	
17		dated October 14, 1994, to	
18		Mr. William Vaughn from Mr. Bentley	919
19	394	Medicaid Drug Ingredient Pricing	
20		Reimbursement to Pharmacies	924
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22		Advertisement	934
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1	E X H I B I T S (continued)		
	NUMBER	DESCRIPTION	PAGE
2	397	The Medicaid Prescribed Drug Program Cost Containment Options	972
3	398	Fax Transmittal Sheet dated January 22,	
4		1998 with attached memorandum	979
5	399	E-mail dated April 7, 2000 to Kim Johnson	
6		From Jerry Wells with original message	981
7	400	E-mail dated October 03, 2001, to	
8		Jerry Wells from Etta Hawkins with	
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10	401	Medicaid Prescribed Drugs Cost Containment	
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12	402	E-mail dated March 01, 2005, to	
13		Sybil Richard from Jerry Wells	
14		with e-mail trail	992
15	403	E-mail dated March 15, 2005, to	
16		Julia A. Davis from Jerry Wells	
17		with e-mail trail	995
18	404	E-mail dated October 19, 2001, to	
19		Jerry Wells from Marvin Hazelwood	
20		with e-mail trail	1000
21	405	E-mail dated October 22, 2001, to	
22		Marvin Hazelwood from Jerry Wells	
23		with e-mail trail	997
24	406	E-mail from Mr. Wells to Peggy King	
25		dated 9-8-04 with e-mail trail	1004

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1 would just insist on an increase in the
2 ingredient cost to offset that, that we
3 wouldn't be going anywhere.

4 BY MS. WITT:

5 Q. And why did you think that was not
6 desirable?

7 A. Because I did not make that -- maybe I
8 didn't make myself clear enough.

9 If we are paying pharmacies less than
10 the cost of dispensing a prescription as a
11 dispensing fee, then they have to have some margin
12 or markup on the ingredient cost of the drug to
13 offset that. And we've tried to balance that over
14 the years because we've known for a number of years
15 that our dispensing fee is below the cost of
16 dispensing a prescription. All states recognize
17 that.

18 If we moved to lower the dispensing fee
19 to \$3, or to \$3.23, we're going to have to offset
20 that with an increase in the ingredient cost to the
21 pharmacies and that argument is going to be played
22 out in the Senate, and I felt like that we wouldn't
23 wind up saving any money. I didn't feel like that
24 was a viable option, and that was my counsel.

25 Q. Do you remember who was proposing a